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Sobriety Test

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Field sobriety tests

There are three standardized tests that an officer uses to determine if a suspect is impaired, (Taylor and Oberman, 2006). These tests are performed when there is a traffic stop. One of the tests is the one-leg stand test. With this test, the person on whom the test is being performed is asked to stand while one foot is about six inches high and is asked to count from one thousand. The officer will instruct the person to stop after about thirty seconds after assessing the subject. The things that would lead an officer to conclude that the subject is impaired while using this test include using arms to balance, swaying while balancing, hopping or putting the foot down.

The second test is the walk-and-turn test. Here, the subject is required to take nine steps touching heel-to-toe on a straight line. The subject is then required to turn on one foot and return in the same way. Here, while making conclusion on the impairment of the subject, the indicators the examiner looks at include whether the subject can keep the balance while listening to the instructions, begins performing the tests requirements before instructions are given, uses arms to balance, and does not follow the line among others.

The third test is the horizontal gaze nystagmus. This is an involuntary jerking of the eyeball that occurs when the eyes gaze to the side. The examiner checks whether the eye can follow a moving object horizontally with the eyes, the jerking when the eye is at the maximum deviation and if the angle of jerking is prior to 45 degrees.

Ability to perform the tests

The ease of performing these tests on subjects depends on how much the examiner is involved in performing the test, (Taylor and Oberman, 2006). For example performing the horizontal gaze nystagmus is difficult because the examiner needs to be very attentive to notice the jerking of the eye and one can make a mistake. Performing the walk-and-turn-test, on the other hand, is easier because one only needs to observe the movements of the subject and this is easy and less involving. When it comes to the one-leg-stand test, the examiner only needs to see whether the subject can do this or not. This is easy because it does not need a lot of attention to be paid to see this, unlike the case with the horizontal gaze nystagmus.

Evaluation of sobriety tests as a persuasive means of proving impairment

These tests, on their own should be used to persuasively make a court of law reach a decision that a person was driving under the influence on their own. They should only be done in order to prove whether a person needs to undergo further tests. A subject who fails in all the tests should be taken for further tests but failing of these tests should not be relied upon by a judge in a court of law. The reason for this is because they have a lot of weaknesses.

Weaknesses of using the tests to prove alcohol impairment

There are many weaknesses that can be seen with these three field sobriety tests, (O'Donnell, 2005). One of the weaknesses is that they are highly affected by the age of the subject. For example, an old person may fail in the one-leg-stand test and the walk-and-turn test. What this means is that such a person may be taken for being drunk while in the real case it is because of their age that makes them unable to do these things since they are physical. Another weakness is that they are highly influenced by the health condition of the subject. A person may have an eye problem and fail in the horizontal gaze nystagmus because of this condition. A sick

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person will almost always fail in the walk-and-turn test and the one-leg-stand test. This shows that a sober person may be taken for being drunk when they are not.

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References

Taylor, L., & Oberman, S. (2006). *Drunk driving defense: [Hauptbd.]*. New York, NY: Aspen Publishers.

O'Donnell, J. T. (2005). *Drug injury: Liability, analysis and prevention*. Tucson: Lawyers & Judges Publishing Company.

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